

MEETING #40 September 3

At a Joint Meeting of the Madison County Board of Supervisors on
September 3, 2008 at 7:30 p.m. in the Madison County Administrative Center
Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean
James L. Arrington, Vice-Chairman
William L. Crigler, Member
Bob Miller, Member
Clark Powers, Member
V. R. Shackelford, III, County Attorney
Lisa R. Kelley, County Administrator

Chairman, Eddie Dean called the meeting to order and stated that all
members are present.

Chairman, Eddie Dean stated the following cases would be discussed
tonight:

Case Number SU-06-08-33, which is a request by Tomlinson or Deshna
Craig for an indefinite special use permit to operate a kennel for no more than thirty (30)
animals. This property is located on Route 618 near Leon and contains 14.149 acres of
land, zoned A-1. An email submitted by John J. "Butch" Davies dated September 2,
2008 was read for the record and contained information on who has approval on kennels.
John J. "Butch" Davies was present and said his clients are willing to put in the
commercial entrance and the site easements. The Craig's will also have to file a site plan
as well to be approved by the Madison County Planning Commission and Madison
County Board of Supervisors. He also advised the Craig's were present and commented
they wanted to outline the nature of their business facility as denoted on page 1 of the
documentation being presented; additionally, page 2 contains a plat of the property and
page 3 shows a sketch of the proposed facility (kennel) – a picture of the site is also
included for the barn-style building (as shown) and an outline of the interior with scrub
area.

John J. "Butch" Davies advised the Craig's feel the Madison area is a very
suitable area as it is situated between Charlottesville and Northern Virginia; they expect
to provide a service where they pick up the animals and deliver them back to the owners.
In closing, John J. "Butch" Davies stated the proposal represents a new/expanding

business opportunity for Madison County. He commented on the specifications required by the Virginia Department of Transportation and advised the access to the property is off a gravel road and was discussed in an email received from the VDOT office; it was denoted that a survey be conducted once the plat was finalized and site easements would be clearly identified on the plat. Additionally, he commented on the Madison Health Department requirements after review of the application for the kennel facility.

Deshna Craig provided an overview of the hours and method of operations for the proposed kennel and advised the facility will be a “pick-up/drop-off operation with the services being provided by their facility.

Pete Elliott asked if the dogs will be picked up from Maryland and the DC metropolitan area, to which Ms. Craig advised “no” – services will only be provided for locations that are within two (2) hours distance from the facility and fees will be charged accordingly.

Deshna Craig also advised the facility will handle no more than thirty (30) dogs; the facility will not necessarily have thirty (30) kennels but will have some kennels that are very large in size that can accommodate up to three (3) dogs weighing up to forty (40) pounds each. In the event an owner has three (3) dogs that are within the standard weight range, they can all be placed in the same kennel; however, potential clients will be made aware of the regulations that pertain to operations of the facility.

In closing, Deshna Craig stated the walls and floors are made of concrete; also, every kennel has a pull-out door to allow dogs to utilize the private run and the ‘playground area’ - dogs will be supervised by the caretaker when they are outside in the ‘playground area’ and this area is on location and all thirty (30) dogs cannot be outside the pen at the same time (only [7] dogs at a time are allowed in the ‘playground area’ while others utilize the private run area (i.e. safety issue). This technique will not only allow for noise control, but will also provide a safety net in the event any dog becomes agitated and/or aggressive toward another dog. She also provided an overview of techniques the facility will take in the event there is a kennel cough outbreak.

Rodney Lillard, Chairman, asked John J. “Butch” Davies if the Virginia Department of Transportation was requiring a commercial entrance at the site.

John J. “Butch” Davies advised they would like to have a commercial

entrance, but he feels it will be commercial with aggregate stone – it made no sense to pave the entrance which comes out into gravel road; however, the applicant plans to meet whatever requirements are established by the Virginia Department of Transportation. In closing, he advised there are no problems with site distance; he feels the best way to address the issues regarding the commercial entrance is to make this a part of the special use permit.

Conditions established by the Madison County Planning Commission consisted of the following:

- 1) There will be no more than thirty (30) animals at the facility at any given time;
- 2) Caretakers there 24 hours a day, 7 days a week and they live in the existing house;
- 3) Meets state requirements for drain field and waste removal for humans and animals;
- 4) Commercial entrance and site easement, VDOT requirements to be identified on plat and
- 5) For the applicant only and not to go with the land.

James L. Arrington asked how close the facility would be to the nearest property owner, to which the applicant provided an explanation of distance and noise control measures.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the special use permit is approved subject to conditions as indicated and the permit will go with the applicant and not the property as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean stated the case involving Verizon has been tabled; however, the Board will be looking to receive a letter regarding this request relative to a date the case is tabled too.

Chairman, Eddie Dean stated the PDR Committee will provide a presentation.

Peter Rice, Chairman, was present and read a typed report (attached) as prepared by the PDR Committee regarding procurement development rights in Madison County, Virginia. Members and meeting participants that were present included: Susan Cable, Mike Santucci, Jacki Eisenberg, Beth Pastore and Lisa Kelley, County Administrator.

Susan Cable also provided advised that if farmland is kept for farming and forestry, the land will be conserved with or without conservation easements; this tool has been strongly supported at the state level and it's a good program for Madison County to be a part of.

Beth Pastore also provided some comments regarding land conservation and a draft that was prepared to help people understand the proposed program.

Mike Santucci with the Department of Forestry stated his role on the PDR Committee was to represent the department in providing any technical forestry related information; he also recognized Peter Rice for providing kudos to each member of the committee and provided much effort into keeping the process running smoothly. .

Mike Santucci also stated as a general rule, the Department of Forestry favors PDR Programs for localities and feels it's important to utilize any necessary tools to support the conservation of farm(s) and forestry in localities. In closing, he feels the conservation of farm(s) and forestry is a response to the populous designated in the Comprehensive Plan for Madison County, Virginia and also by the resources that are provided – he also provided some economic data on forestry and farmland from 1999-2003 and how every acre of forestry land in Madison County could contribute over \$1,000 to the local economy by today's computations.

Peter Rice, PDR Committee Chairman, thanked the Board of Supervisors for the opportunity to present a report and offered to answer any questions.

Chairman, Eddie Dean thanked the PDR Committee for tonight's report and feels the information is an excellent educational tool. In closing, Chairman, Eddie Dean thanked the PDR Committee for their time and effort – the Board will review the documentation provided and report back to the PDR Committee in a timely manner.

Bob Miller, Member, also thanked the PDR Committee for their efforts and feels it will be a benefit to customize a program for Madison County to assist the local farmers and hopes to see a future benefit.

Chairman, Eddie Dean asked V. R. Shackelford, III, County Attorney, for an update on the legislation that has recently been passed regarding the on-site sewer system approval process.

V. R. Shackelford, III, County Attorney, stated that he has started drafting a proposed advertisement for the application for an amendment regarding the non-conventional sewer system relative to intermittent use; however, he advised that he was unsure if the new legislation affects the proposed amendment..

V. R. Shackelford, III, County Attorney, stated he feels the legislation suggests that if a locality has something different in place other than what the State's statute calls for, then said locality is "on their own" with the manner in which they proceed; however, he will further investigate the new legislation and provide additional information accordingly.

Chairman, Eddie Dean stated the Board will need to discuss information regarding VRS Resolution.

Lisa Kelley, County Administrator, stated that Teresa Miller, Finance Director, advised there is an IRS ruling that indicates when localities make contributions to a state retirement plan on behalf of an employee(s), in order for that contribution not to be treated as income to the employee, the locality has to establish a 'pick-up' plan that is treated as cash-deferred income to the employee; therefore prior to January 1, 2009, said locality has to evidence the intention to affirm the current plan and make all future contributions under the arrangements of the 'pick-up' plan and denote this as a deferred contribution.

In closing, Lisa Kelley, County Administrator, advised the document will denote the Board's intent to establish a 'pick-up' arrangement to include verification that the Board operated the plan in accordance with the law and that contributions were never reported as wages (federal income); additionally, the County must also denote there has not been an option for employees to opt out of the contribution plan or receive any contributed amounts directly, even if the County decides to recover the contributions

through reductions in salaries or an offset against future salaries. She advised the Board will need to make a motion to approve the Resolution and also provide the County Administrator the authority to sign the document on behalf of the Madison County Board of Supervisors.

After discussion, the Board approved the Resolution Affirming “Pick-Up” Plan for Employees Member Contributions to the VRS (with corrections), as provided and also authorized Lisa Kelley, County Administrator, to sign the completed document on behalf of the Board, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

With no further action being required by the Board, on motion of James L. Arrington, seconded by Clark Powers, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: September 4, 2008